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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NO. C 06-01407 JW  
NO. C 06-02202 JW

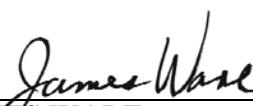
In re: County of Monterey Initiative Matter  
and  
In re: Monterey Referendum

**ORDER CONSOLIDATING CASES;  
SETTING NEW HEARING DATE**

On December 13, 2006, the Court conducted a case management conference to address Defendant's Motion to Consolidate "In re: County of Monterey Initiative Matter, C-06-1407-JW" and "In re: Monterey Referendum, C-06-2202-JW." Upon consideration of the parties' arguments, and for judicial economy and efficiency, the Court orders the cases consolidated. The consolidation is for the purposes of pretrial motions only, specifically cross-motions for summary judgment in light of the Ninth Circuit's *en banc* ruling in Padilla v. Lever and on the issue of whether the convening of a three judge court is necessary. The cases shall maintain their separate designated case names.

The hearing date for all motions is specially set for **February 27, 2007 at 9 a.m.** The parties shall meet and confer, and stipulate to a briefing schedule for the motions consistent with the hearing date.

Dated: December 27, 2006

  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: December 27, 2006**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers  
Elizabeth Garcia  
Courtroom Deputy